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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,924	01/09/2006	Ingrid Annemarie Rink	NL 031292	3800
65913	7590	01/02/2009	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			VINH, LAN	
			ART UNIT	PAPER NUMBER
			1792	
			NOTIFICATION DATE	DELIVERY MODE
			01/02/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

***Response to Arguments***

1. Applicant's arguments filed 12/11/2008 have been fully considered but they are not persuasive.

The applicants argue that 102(e) and 103(a) rejections of independent claim 1 are improper because they carry the flawed assumption that the Chiu reference (by itself or in the asserted combinations) teaches a specifically-designated percentage of hydrogen peroxide (i.e., 30%) to mean some unspecified level of diluted hydrogen peroxide since Pure hydrogen peroxide has long been established as being stable. This argument is unpersuasive because a quick search for the term "hydrogen peroxide 30" in Google shows in [www.sefsc.noaa.gov/HTMLdocs/HydrogenPeroxide30.htm](http://www.sefsc.noaa.gov/HTMLdocs/HydrogenPeroxide30.htm) that unstabilized hydrogen peroxide 30 % comprises hydrogen peroxide and water. The applicants further argue that under the law, the Examiner is not permitted (especially without any support whatsoever) to maintain a rejection based on the argument that a specifically-designated percentage of hydrogen peroxide in a chemical formula is understood to mean something entirely different. This is unpersuasive because the rejection of claim 1, as discussed in pages 2 and 5 of the final office action, relies on Chiu teaching of "mixture is seven part sulfuric acid to three part of 30% hydrogen peroxide" not only because 30% hydrogen peroxide is understood that hydrogen peroxide is diluted with water but also because concentrated sulfuric acid is known to contain water (see pertinent prior art of record for evidence/support of this basis).

The applicants argue that a careful review of the asserted combination of Chiu and Mohindra does not correspond to the invention set forth in claim 10 because : A. neither

Art Unit: 1792

the Chiu reference nor the Mohindra reference teaches the claimed rinsing step in connection with completion; this argument is unpersuasive because as clearly shown in fig. 5 of Mohindra, the rinsing step is repeated at the step of testing/completing of cleaning the substrate. B. the Mohindra reference teaches away from the asserted combination of teachings because instead of teaching rinsing "to promote drying of the semiconductor wafer", the Mohindra reference teaches to rinsing to promote fully wetting the wafer as a protective coating; this argument is unpersuasive because while it is true that Mohindra teaches to rinsing to promote fully wetting the wafer as a protective coating, it is also noted that " a reference is good not only for what it teaches by direct anticipation but also for what one ordinary skill might reasonably infer from the teaching. In re Opprecht 12 USPQ 2d 1235, 1236 (Fed. Cir. 1989). Thus, one skilled in the art looking at Mohindra teaching of rinsing the semiconductor wafer with hot, 70-75 degree C, DI water/demineralized water, might infer that rinsing wafer with hot water promotes drying because the hot liquid on the wafer evaporates faster than room temperature water.

The applicants argue that the Office Action also fails to consider the unexpected results set forth in Applicant's Specification, e.g., at paragraph 0007 of the USPTO's published version. This argument is unpersuasive because the term "good results" disclosed in paragraph 0007 of the USPTO's published version is a subjective term and is not considered as unexpected result since it is noted that the MPEP section states that :

**:716.02 Allegations of Unexpected Results**

Art Unit: 1792

Any differences between the claimed invention and the prior art may be expected to result in some differences in properties. The issue is whether the properties differ to such an extent that the difference is really unexpected. *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) (differences in sedative and anticholinergic effects between prior art and claimed antidepressants were not unexpected). In *In re Waymouth*, 499 F.2d 1273, 1276, 182 USPQ 290, 293 (CCPA 1974), the court held that unexpected results for a claimed range as compared with the range disclosed in the prior art had been shown by a demonstration of "a marked improvement."

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAN VINH whose telephone number is (571)272-1471. The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571 272 1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

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/Lan Vinh/  
Primary Examiner, Art Unit 1792

Application/Control Number: 10/563,924  
Art Unit: 1792

Page 6